P' TENT COOPERATION TREAT"

| | From the INTERNATIONAL BUREAU | | | | | |
|--|--|--|--|--|--|--|
| PCT | То: | | | | | |
| NOTIFICATION OF ELECTION (PCT Rule 61.2) | Assistant Commissioner for Patents United States Patent and Trademark Office Box PCT Washington, D.C.20231 ETATS-UNIS D'AMERIQUE | | | | | |
| Date of mailing (day/month/year) 03 April 2000 (03.04.00) | in its capacity as elected Office | | | | | |
| International application No. PCT/EP99/05675 | Applicant's or agent's file reference B41195PC-2630 | | | | | |
| International filing date (day/month/year) 05 August 1999 (05.08.99) | Priority date (day/month/year) 07 August 1998 (07.08.98) | | | | | |
| Applicant ENDERS, Ulrich et al | · | | | | | |
| | | | | | | |
| The designated Office is hereby notified of its election made: In the demand filed with the International Preliminary Examining Authority on: | | | | | | |
| in a notice effecting later election filed with the Interr | • | | | | | |
| 2. The election X was was not was not made before the expiration of 19 months from the priority of Rule 32.2(b). | late or, where Rule 32 applies, within the time limit under | | | | | |
| The International Bureau of WIPO 34, chemin des Colombettes | Authorized officer C. Villet | | | | | |

Telephone No.: (41-22) 338.83.38

Facsimile No.: (41-22) 740.14.35

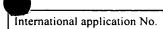
PATENT COOPERATION TREA

PCT

1900 29 40 SOAD INTERN INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| Applicant's or agent's file reference B41195PC-2630 FOR FURTHER ACTION See Notification of Transmittal of Internation Preliminary Examination Report (Form PCT/IPEA/4) | | | | | | |
|---|--|-------------------------------|--|--|--|--|
| International application No. PCT/EP99/05675 | International filing date 05 August 1999 | · | Priority date (day/month/year) 07 August 1998 (07.08.98) | | | |
| International Patent Classification (IPC) or national classification and IPC D01D 5/096 | | | | | | |
| Applicant BARMAG AG | | | | | | |
| This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. | | | | | | |
| 2. This REPORT consists of a total of | 5 sheets, in | ncluding this cover | sheet. | | | |
| This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). | | | | | | |
| These annexes consist of a t | otal of sh | eets. | | | | |
| 3. This report contains indications rela | ting to the following item | S: | | | | |
| I Basis of the report | | | | | | |
| II Priority | II Priority | | | | | |
| III Non-establishmen | t of opinion with regard to | o novelty, inventive | step and industrial applicability | | | |
| IV Lack of unity of in | ivention | | | | | |
| V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | |
| VI Certain documents | VI Certain documents cited | | | | | |
| VII Certain defects in the international application | | | | | | |
| VIII Certain observations on the international application | | | | | | |
| | | | | | | |
| Date of submission of the demand Date of completion of this report | | | | | | |
| 29 February 2000 (29.0 | 02.00) | 07 November 2000 (07.11.2000) | | | | |
| Name and mailing address of the IPEA/EP | | Authorized officer | | | | |
| Facsimile No. | | Telephone No. | | | | |



PCT/EP99/05675

| I. Basis of the report | | | | | |
|------------------------|-----------|-------------------|-------------------|---------------------|--|
| 1. This rep | port | has been drawn o | on the basis of o | Replacement sheets | s which have been furnished to the receiving Office in response to an invitation and are not annexed to the report since they do not contain amendments.): |
| | _ | • | - | | |
| | | the international | | | |
| Σ | \leq | the description, | pages | 1-11 | _, as originally filed, |
| | | | pages | | , filed with the demand, |
| | | | | | filed with the letter of |
| | | | pages | | filed with the letter of · |
| | 7 | the claims, | Nos | 1-12 | , as originally filed, |
| | | | Nos. | | . as amended under Article 19, |
| | | | | | , filed with the demand, |
| | | | Nos. | | , filed with the letter of |
| | | | Nos. | | , filed with the letter of |
| D | 7 | the drawings, | sheets/fig | 1/4-4/4 | , as originally filed, |
| | 1 | | sheets/fig | ·- ·- ·- | , filed with the demand, |
| | | | sheets/fig | | , filed with the letter of, |
| | | | sheets/fig | | , filed with the letter of |
| 2. The am | endn | nents have result | ed in the cance | llation of: | |
| Г | \neg | the description. | pages | | |
| | \exists | the claims. | | | |
| | | • | • | | |
| L | | the drawings. | sneets/fig | | |
| 3. T | This 1 | report has been e | stablished as if | (some of) the am | endments had not been made, since they have been considered |
| ^{σ.} | o go | beyond the discl | osure as filed, | as indicated in the | e Supplemental Box (Rule 70.2(c)). |
| 4. Additio | nal c | bservations, if n | ecessarv: | | |
| | | , 000. | | | |
| t | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| · | | | | • | |
| | | , | | | |
| | | | - | | |
| | | | | , | |
| | | | | | |
| | | | | | |
| | | | | | |

| national | application No. |
|----------|-----------------|
| PCT/EP | 99/05675 |

| ٧. | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; |
|----|--|
| | citations and explanations supporting such statement |

| . Statement | | | |
|-------------------------------|--------|------|-------|
| Novelty (N) | Claims | 1-12 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-12 | NO NO |
| Industrial applicability (IA) | Claims | 1-12 | YES |
| | Claims | | NO |

2. Citations and explanations

1. The closest prior art is described in WO-A-95/15409 (D1) and acknowledged accordingly in the introductory part of the application. D1 discloses a device according to the preamble of Claim 1 (see page 11, lines 12-34). The subject matter of independent Claim 1 differs therefrom by the characterising features, that is, by the arrangement of the conditioning device either before or inside the collecting chamber in the yarn running direction.

The subject matter of Claim 1 therefore appears to be novel and to meet the requirements of PCT Article 33(2).

2. The invention addresses the problem of preventing damage to the unconditioned yarn in the area of the outlet from the collecting chamber and of ensuring that the yarn runs smoothly when exiting the cooling channel and then passing through the collecting chamber (see the description, page 2, line 27 - page 3, line 1). This corresponds to the object of US-A-4 247 505 (D2: column 2, lines 15-20 and 41-44), which aims at preventing yarn breaks while increasing

spinning speed, or to the object of EP-A-0 141 173 (D3: page 7, lines 35-37), which seeks to prevent the yarn from vibrating when crossing the boundary between two areas under different pressures.

For that purpose, D2 (column 3, lines 56-57) proposes arranging a conditioning device (29, 30, 31, 32) at the end of the cooling channel of the melt-spinning device, and hence <u>before</u> an optional collecting chamber (see page 3, lines 20-22, of the description). In view of the problem addressed, the feature that the conditioning device is arranged before the collecting chamber in the yarn running direction appears to be obvious.

For the same purpose, D3 (page 12, lines 7-22) proposes arranging the conditioning device as per Claims 2 and 3 <u>inside</u> the spinning shaft, which also includes the collecting chamber of a device as per D3. In view of the problem addressed, the feature that the conditioning device is arranged <u>inside</u> the collecting chamber in the yarn running direction also appears to be obvious.

Consequently, the two options proposed in the characterising part of Claim 1 would appear to a person skilled in the art to be obvious alternatives for solving the technical problem addressed.

The subject matter of independent Claim 1 therefore does not appear to meet the requirement of PCT Article 33(3).

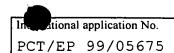
3. The additional features of the embodiments of the invention defined in dependent Claims 2-7 and 9-11

are essentially known from D3 (page 12, lines 32-36 and 8-11), D1 (page 12, lines 1-4 and 11-18) or D2 (column 4, lines 15-18; column 5, lines 3-40) in order to achieve the corresponding technical effect, while the embodiments of the invention as per Claims 8 or 12 would appear to be obvious to a person skilled in the art, in the light of D3 (Fig. 1).

The subject matter of dependent Claims 2-12 therefore also does not appear to meet the requirements of PCT Article 33(3).

4. The subject matter of Claims 1-12 appears to be industrially applicable and therefore to meet the requirements of PCT Article 33(4).

The following defects in the form or contents of the international application have been noted:



| VII. | Certain | defects | in | the | international | application |
|-------|---------|---------|-----|------|------------------|-------------|
| V 11. | Certain | utituts | 111 | LIIC | IIIICI IIAUVIIAI | application |

1. The description does not meet the requirements of PCT Rule 5(1)(a), since the introductory part does not acknowledge D2 and D3 as relevant prior art.